

### **REMARKS**

**[0003]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. The remarks should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-23 are presently pending.

### **Statement of Substance of Interview**

**[0005]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on 19 May 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0006]** During the interview, the Examiner indicated that he would consider a revised response with remarks correcting formal issues in the previous response in regard to the 102 rejection. If, after this submission, the claims are not subsequently allowed, the Examiner agreed to issue a second Final Rejection.

**[0007]** Applicant herein submits arguments in favor of removing the 102 rejection in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record.

### **Formal Request for an Interview**

**[0008]** If the Examiner’s reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the

Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0009]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great, I welcome your call as well. My contact information may be found on the last page of this response.

**Request for Withdrawal of Finality**

**[0010]** In accordance with MPEP 706.07(d), Applicant submits that the final rejection is premature. Applicant formally asks that the Examiner reconsider finality of the rejections in this Action. Applicant submits that the Examiner should withdraw finality because non-compliance with 37 CFR 1.111 should not have resulted in a Final Rejection. Instead a Notice of Non-Compliant Amendment should have been issued.

**[0011]** This position is supported by the guidelines issued in the Official Gazette 23 September 2003:

**TREATMENT OF NON-COMPLIANT AMENDMENTS**

“ . . . If an amendment is received as a preliminary amendment or as a bona fide reply under 37 CFR 1.111, that has compliant amendments to one or more separate section(s), but also includes one, or more, separate section(s) with non-compliant amendments, the Office will mail a Notice of Non-Compliant Amendment requiring correction to the non-compliant section(s) within a time period set by the Office. When making corrections, applicant should just resubmit the needed corrected section(s), and correspondingly, should not resubmit the entire amendment document.” (USPTO OG Notices: 23 September 2003; <http://www.uspto.gov/sol/og/2003/week38/patamnd.htm>)

### **Formal Matters**

**[0012]** As discussed in the above mentioned interview of 19 May 2008, regarding the objection that the previous response was not in compliance with 37 CFR 1.111, Applicant herein presents revised remarks regarding the Rejection of claims 1-23 under 102(e).

## **Substantive Matters**

### **Claim Rejections under § 102**

**[0013]** Claims 1-23 are rejected under 35 U.S.C. § 102(e). In light of the amendments previously presented and the agreements reached during the Examiner interview held 11 September 2007 and summarized in Applicant communication dated 12 October 2007, Applicant submits that these rejections are moot.

### **Anticipation Rejections**

**[0014]** Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Kramer**

**[0015]** The Examiner rejects claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Kramer. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

---

<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

**Independent Claims: 1, 7, 14, and 20**

**[0016]** The agreement reached during the above-discussed Examiner interview is that Kramer does not disclose the following features of the independent claims 1, 7, 14 and 20 (emphasis added):

**[0017]** *discovering, by the Web service,* information corresponding to at least one application deployed on the Intranet, the application being configured for subsequent terminal server (TS) based access for a user of a remote client computer, the remote computer being external to the Intranet.

**[0018]** Consequently, Kramer does not disclose all of the elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

**Dependent Claims 2-6, 8-13, 15-19 and 21-23**

**[0019]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

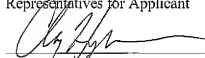
**[0020]** Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

**Conclusion**

**[0021]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant



Clay D. Hagler ([clay@leehayes.com](mailto:clay@leehayes.com) ; x223)

Registration No. 61804

Customer No. **22801**

Dated: 06/17/2008

Kayla D. Brant ([kayla@leehayes.com](mailto:kayla@leehayes.com); x242)

Registration No. 46,576

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

[www.leehayes.com](http://www.leehayes.com)